

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CRAIG M. BYRD,

Plaintiff,

-v-

KILOLO KIJAKAZI, *Acting*  
*Commissioner of Social Security*,  
Defendant.

20-CV-4464 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

The Court has reviewed Magistrate Judge Sarah L. Cave’s Report and Recommendation (the “Report”) recommending that Plaintiff’s motion for judgment on the pleadings (Dkt. No. 15) be denied and Defendant’s motion for judgment on the pleadings (Dkt. No. 18) be granted.

Plaintiff sought review of an ALJ’s determination that he is ineligible for supplemental security income and disability insurance benefits. Plaintiff moved for judgment on the pleadings on February 16, 2021, and Defendant cross-moved for judgment on the pleadings on April 9, 2021. On November 12, 2021, Magistrate Judge Cave recommended that Plaintiff’s motion be denied and Defendant’s motion be granted. Specifically, the Report noted that the ALJ did consider the totality of the evidence in the record in determining Plaintiff’s residual functional capacity, and that the record supported the ALJ’s determination. The Report also included a notice that “[t]he parties shall have fourteen (14) days (including weekends and holidays) from service of this Report and Recommendation to file written objections . . . . **FAILURE TO OBJECT WITHIN FOURTEEN (14) DAYS WILL RESULT IN A WAIVER OF OBJECTIONS AND WILL PRECLUDE APPELLATE REVIEW.**” (Dkt. No. 24 at 51.)

No party filed an objection to the Report; therefore, the Court reviews it for clear error. *See* Fed. R. Civ. P. 72(b), Advisory Committee’s Notes (1983) (“When no timely objection is

filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *see also Borcsok v. Early*, 299 F. App’x 76, 77 (2d Cir. 2008) (“The District Court then reviewed the magistrate judge’s report and recommendation for clear error and, finding none, adopted the report in full.”).

Judge Cave’s thorough and well-reasoned Report presents no such errors and is therefore fully adopted by this Court.

Accordingly, the Report and Recommendation (Dkt. No. 24) is hereby ADOPTED, Plaintiff’s motion for judgment on the pleadings (Dkt. No. 15) is hereby DENIED, and Defendant’s motion for judgment on the pleadings (Dkt. No. 18) is hereby GRANTED.

The Clerk of Court is directed to close the motions at Docket Numbers 15 and 18, to enter judgment accordingly, and to close this case.<sup>1</sup>

SO ORDERED.

Dated: December 7, 2021  
New York, New York

  
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J. PAUL OETKEN  
United States District Judge

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<sup>1</sup> The Clerk of Court is respectfully directed to substitute Kilolo Kijakazi, the Acting Commissioner of Social Security, for Andrew Saul as the Defendant in the caption of this case.